

ARIZONA RACING COMMISSION

526TH REGULAR MEETING

WEDNESDAY, OCTOBER 8, 2003

MINUTES OF PUBLIC MEETING

A public meeting of the Arizona Racing Commission was convened on Wednesday, October 8, 2003, beginning at 10:00 a.m. in Building Conference Room 250, 1110 West Washington, Phoenix, Arizona.

A. Call to Order:

Present: Chairman Burton Kruglick
Vice-Chairman Bob Ford
Commissioner Michael Napier

Also Present: Geoffrey E. Gonsher, Director
Daniel Christl, Assistant Attorney General

Absent: Commissioner Michael Vespoli

Chairman Kruglick called the 526th Regular Meeting of the Arizona Racing Commission to order at 10:00 a.m.

The following matters were discussed, considered, and decided at the meeting:

A. Call to Order

1. Approval of the Minutes of the 525th Regular Meeting held Wednesday, September 10, 2003.

Chairman Kruglick asked that a correction be made to the Minutes. Under Item 11, Page 3, Vice-Chairman Ford, not Chairman Kruglick, recognized Mr. Gerry. **Chairman Kruglick** called for approval of the Minutes as corrected. **All in favor.**

B. Department Information Reports

Commission members were provided with informational reports on all items listed below. Only select items were addressed by Director Gonsher at the Commission meeting.

Chairman Kruglick asked if Commission members had any comments on the Information Report items.

1. Corporations Registering to do Business in Arizona
2. Department of Racing Telephone Answering System
3. Spanish Lessons for Racing Department Employees
4. **Phoenix Greyhound Park Simulcast Signals to Casino Arizona - Commissioner Napier** questioned this report. **Director Gonsher** reported that this action was approved by the Commission on August 15, 2000.
5. TP Racing, L.L.L.P. Renews Agreement to Simulcast into Pima County
6. OTB Closures
7. National Thoroughbred Racing Association Advertisements

C. New Business

The following New Business items are for a status report, presentation, discussion, and possible action for the Commission.

1. **FY 2003 Department of Racing Annual Report - Director Gonsher** reported that the Department of Racing has complied with statutes that require all Departments to place their annual report on-line. Hard copies of the annual report were distributed to those individuals required by statute as well as Commission members.
2. **Monthly Quality Service Information - Director Gonsher** noted that in response to a request from the Commission, a draft survey instrument has been provided for Commission review and comment. Director Gonsher asked Commission members to respond with any changes or additions to the survey.
3. **FY 2003 Breeders' and Stallion Awards - Norma Rivero**, Accounting Technician III, reported that the Breeders Award list is being updated quarterly and forwarded to the breeders' associations. In addition, a list of recipients of breeders' awards is sent to each association for review and verification prior to mailing checks. **Chairman Kruglick** asked if any funds were available in the awards program that could be distributed. **Luis Marquez**, Administrative Services Manager, responded that all available funds for FY 2003 have been distributed. The next funds distributed will be from FY 2004 monies. **Commissioner Napier** expressed his appreciation for the Department's efforts to get awards out in a timely manner.

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Chairman Kruglick expressed the Commission's appreciation to Ms. Rivero for the fine job she is doing in this area.

4. **Application by Pima County Fair Horse Racing Commission, Inc. (Rillito Park) for a commercial racing permit in 2004. (Saturdays & Sundays, January 31, 2004 through February 29, 2004 – 10 days)** **Director Gonsher** reported that the Department has completed the substantive review process for this application. The applicant has submitted all information that is required and the Department is recommending approval of the application. **Chairman Kruglick** called for questions or a motion. **Commissioner Napier** moved for approval of the application. **Vice-Chairman Ford** seconded the motion. **All in favor.**
5. **Arizona Administrative Code Revision Eliminating Age Restrictions on Horses - Director Gonsher** presented the proposed rule revision to the Commission. Commission members discussed the proposal, letters submitted regarding this issue, and results of a survey of other racing states. **Randy Fozzard**, Turf Paradise General Manager, responded to questions from the Commission. **Commissioner Napier** expressed his concerns about lifting the age restriction. At the end of the discussion no action was taken. The rule will remain the same.
6. **Arizona Administrative Code Revision Regarding Appeal Bond - Director Gonsher** noted that the industry has asked that the current appeal bond be changed to an appearance bond. **Henry Evans**, representing the Arizona horsemen, explained his views on the current appeal bond and the possibility that it infringes on due process. At the end of his presentation, Mr. Evans asked the Commission to approve the request to change the appeal bond to an appearance bond. Commission members questioned Director Gonsher, Mr. Evans, and Assistant Attorney General Christl regarding the appeal bond and the authority to assess costs. At the end of the discussion **Commissioner Napier** moved to direct the Department to implement a rule that would amend the existing rule to require an appearance bond rather than an appeal bond. **Vice-Chairman Ford** seconded the motion and asked that the rule be reviewed six months after it takes effect to see what impact it has on the Department of Racing. **All in favor.**
7. **Horse Retirement - Director Gonsher** noted that a survey of other states was conducted to determine whether public funds are used for retirement programs. Department research indicates that there are no official programs in other states. A draft letter to the Arizona Congressional Delegation in support of H.R. 857 The American Horse Slaughter Prevention Act, has been provided the Commission. **Commissioner Napier** said he thought the letter was well done and moved to support H.R. 857 and to approve the letter to be forwarded to the Congressional Delegation. **Vice-Chairman Ford** seconded the motion. **All in favor.** **Chairman Kruglick** asked that a committee, comprised of horseracing individuals, study this issue to determine the feasibility of a program in support of this issue. **Commissioner Napier** volunteered to chair the committee. John Mangum, counsel for Turf Paradise; Sarah Struck, HBPA Secretary/Treasurer; and Jim Grundy, Yavapai Downs General Manager volunteered as members of the committee.
8. **Permittee Operations Reports**
 - Apache Greyhound Park – no report
 - **County Fairs – Roy Snedigar**, County Fair Coordinator, reported that the fall county racing circuit ended this past weekend in Globe. County fair racing revenues were up slightly, but there were barely enough horses or jockeys for the races. **Linda Bergevin**, Enforcement & Compliance Manager, reported that the Arizona Counties Racing Association meeting in Globe centered on financial issues and the need for more money. The county fairs are supportive of the Director, Department and Commission and are hopeful of the future. **Chairman Kruglick** asked that the Department look into proposing legislation that would provide financial support to county fairs that race at their own facilities. **Commissioner Napier** added his support to Chairman Kruglick's request, stressing the importance of helping the county fairs. **Director Gonsher** said he would research the matter and return to the Commission with a report in November.

Chairman Kruglick reported that NAPRA Executive Director Frank Lamb would make a presentation at the November Commission meeting.

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Linda Bergevin, Enforcement & Compliance Manager, informed Commission members that the Arizona Counties Racing Association would hold their annual meeting in Laughlin, Nevada, on November 18. **Chairman Kruglick** asked that Commission members be provided information on this meeting.

- Phoenix Greyhound Park – no report.
- Rillito Park – no report
- Tucson Greyhound Park – no report
- Turf Paradise – no report.
- Yavapai Downs – no report
- Yuma Greyhound Park – no report

C. Commission Reports

1. Summary of Current Events Affecting the Arizona Racing Commission.

None reported.

2. Identification of Matters To Be Placed on Future Agendas.

None requested.

Executive Sessions. The Commission may vote to go into executive session on any of the foregoing agenda items for legal advice from its attorney pursuant to A.R.S. § 38-431.03(A)(3).

E. Call to the Public

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately five minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

Loretta Brasher, Executive Director, Arizona Quarter Racing Association, thanked the Commission and Director Gonsler for their interest in Arizona county fairs. Ms. Brasher asked that the Commission consider taking another look at the rule change relating to age restrictions on horses. A change in this rule would benefit county fairs.

Announcements

- The next regular commission meeting will be held on November 12, 2003, at 10:00 a.m.
- **Director Gonsler** reminded Commission members that the Annual Racing Symposium would be held in Tucson December 10-12, 2003. The Racing & Gaming Summit will be held at the same location on December 9. The Department will pay the tuition of any Commission member who wishes to attend.
- **Director Gonsler** advised the Commission that they might want to consider changing the December Commission meeting date, which is scheduled during the week of the Symposium. **Chairman Kruglick** asked that December 17 be considered as a replacement date.

Adjournment:

Chairman Kruglick called for a motion to adjourn. **Commissioner Napier** moved to adjourn. **Vice-Chairman Ford** seconded the motion. **All in favor.**

The meeting adjourned at 10:42 a.m.

Dated this 3rd day of November 2003.

Arizona Racing Commission

By _____
Joyce Cozby, Commission Secretary